

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO

FILED

06 SEP 28 AM 11:00

STATE OF NEW MEXICO *ex rel.*)
State Engineer, *et al.*,)

Plaintiffs,)

vs.)

ROMAN ARAGON, *et al.*,)

Defendants.)

CLERK-SANTA FE

69cv07941-BB-ACE

RIO CHAMA ADJUDICATION

Canjilon Creek, Section 3

Subfile No.: CHCJ-001-0004E

MOTION TO JOIN ADDITIONAL PARTY DEFENDANT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and respectfully requests the Court to join as an additional party **Kurt Gramoll, CHCJ-001-0004E**, 865 Asp Ave. #212, Norman, Oklahoma 73019, and order him to answer the State's Complaint in this action as required in any civil action in the United State District Court or suffer default judgment against him. In support of this motion, the State asserts:

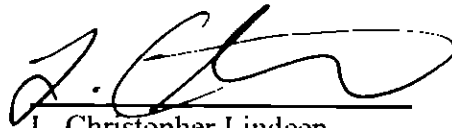
1. Kurt Gramoll is diverting and using or may claim the right to divert and use surface or underground waters within the Rio Chama Stream System.
2. These waters belong to the public and are subject to appropriation in accordance with laws of the State of New Mexico. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Rio Chama Stream System.
2. Kurt Gramoll owns property located within Section 3 of the Rio Chama Stream System, and may be diverting and using water associated with subfile CHCJ-001-

8398

0004E, or may otherwise be using or diverting surface or underground waters within
Section 3 of the Rio Chama Stream System.

Dated: September 28, 2006

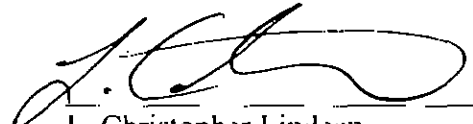
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Lindeen', written over a horizontal line.

L. Christopher Lindeen
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served on this 28th day of September 2006, to the parties listed below by first class U.S. mail.



L. Christopher Lindeen

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall
Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Kurt Gramoll
865 Asp Ave. #212
Norman OK 73019
Defendant